

FILED

June 21 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA
CAUSE NO: DA 09-0340

ROBERT HILTEN,
and
LYNN HILTEN
Plaintiffs and Appellants,
v.

SUPREME COURT No. DA 09-0340

ROY BRAGG,
Defendant and Appellee.

**RULE 26 MOTION FOR EXTENSION OF
TIME**

Plaintiffs Robert Hilten and Lynn Hilten, through their attorney Daniel G. Gillispie, Gillispie Law Office, hereby move this Court for an extension of time during which to file the brief in this matter. This motion is brought pursuant to subsection (1) and (2) of Rule 26. Subsection (1) provides that a party may move for and be granted one 30-day extension of time in which to file a brief. Though an extension of time has been granted in this case, it was only to extend the deadline by approximately two weeks. Appellant now seeks to be afforded the full benefit of the relief provided, and to file the brief on or before July 9.

Pursuant to subsection (2), appellant represents the following:

a) The brief is currently due June 25, 2010

b) The brief was originally due June 13, 2010, though Appellant had earlier believed in good faith and represented in the first motion for extension of time that the deadline was June 10.

c) Appellants request an additional two week extension, making the new due date July 9, 2010.

1 d) The extension is necessary for a few reasons. First, Appellant's representation on this
2 appeal has very recently changed with the withdrawal or anticipated withdrawal of attorney
3 Simkovic. The undersigned attorney had anticipated receiving assistance in preparing and filing
4 this appeal from Mr. Simkovic's office, however it now appears the undersigned will be
5 performing all the work required to prepare and file this brief, including formatting, editing,
6 preparing a table of cases, and even binding of the briefs. This has unexpectedly changed the
7 scope of the work for the undersigned subsequent to the earlier filing of an extension of time.

8 Additionally the undersigned was retained very recently on two criminal law matters that
9 required personal appearances and time out of the office previous to this motion, and has a
10 mediation on a divorce matter scheduled for this Wednesday and a contempt hearing set for this
11 Thursday, both which will further prevent the undersigned from working on this brief during this
12 time.

13 Additionally, the undersigned has found it necessary to conduct further legal research in
14 support of Appellants' arguments. The undersigned has diligently located such authorities,
15 however additional time is necessary to incorporate the additional authorities into the brief.
16

17 e) The undersigned commenced work on this brief more than a month ago, and had spent
18 substantial time researching the issues relevant to this appeal before that, and has been at work
19 on this matter throughout. The undersigned expects to complete the brief by July 9.

20 f) Defense counsel Tom Singer was contacted on June 17 regarding this motion for an
21 extension of time to July 9, and informed the undersigned on June 18 that he did not object to
22 such extension.

23 DATED this 21st day of June, 2010

24 GILLISPIE LAW OFFICE

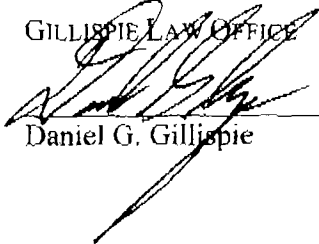
25 
Daniel G. Gillispie

Certificate of Service

The undersigned, being of such age and discretion to serve papers hereby certifies that on this 21st day of June, 2010, he served a copy of the above *Rule 26 Motion for Extension of Time*, by placing said copy in a prepaid envelope addressed to the person hereinafter named, via U.S. Mail:

T. Thomas Singer
AXILON LAW GROUP, PLLC
115 N. Broadway Ste. 310
PO Box 987
Billings, Montana 59103-0987
Attorney for Defendant

GILLISPIE LAW OFFICE


Daniel G. Gillispie

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